

Docket No.: 064162-0030



PATENT

SPN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Michael L ROONEY	:	Confirmation Number: 5087
Application No.: 10/757,848	:	Group Art Unit: 1714
Filed: January 16, 2004	:	Examiner: Anthony, Joseph David
For: OXYGEN SCAVENGERS INDEPENDENT OF TRANSITION METAL CATALYSTS	:	

RESPONSE TO NOTICE OF INCOMPLETE RESPONSE
DATED JUNE 15, 2007

Mail Stop Restriction
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Examiner's Notice of Incomplete Response to the restriction requirement dated June 15, 2007, in which the Examiner has held that the last response to a Notice of Incomplete Response was not fully responsive because (i) "Applicant filed to include an accurate listing of all claims readable on the elected invention and species" The Examiner appears to disagree with Applicant's position that claims 35-49 read on the elected species. The Examiner finds that claims 35-38, 41, 42, 46 and 47 read on the elected species.

Claim 39 requires the reducible organic compound to be present in a polymerized or in a oligomerized form and claim 40, which is dependent on claim 39, further requires that the polymerized organic compound comprise a monomer that is covalently bonded to the reducible

Application No.: 10/757,848

compound. The elected species were: ethyl cellulose as the source of labile hydrogen and 2-methyl-anthraquinone as the reducible organic compound. The Examiner specifically asserts that 2-methyl-anthraquinone is “neither a polymer nor an oligomer, but is rather a specific compound.” Applicant is relying on the disclosure at page 6, line 13 to page 7, line 6 as well as Example 25, wherein the reducible organic compound such as 2-methyl-anthraquinone can polymerized with polyurethanes thereby forming a polymer.

As for claim 45, as noted above the elected species could be polymerized with polyurethanes while ethyl cellulose, the source of labile hydrogen, would be a monomer. See page 5, lines 27-34 and page 7, lines 11-19 of the specification.

As for claims 48 and 49, the scavenging component triphenylphosphite.(listed in claim 49 which is dependent on claim 48) that may be a covalently bonded to a polymer. Seep page 5, lines 9-13 of the specification.

Applicant agrees that claims 35-38, 41, 42, 46 and 47 read on the elected species, but also, for the reasons set forth above, Applicant believes that claims 39, 40, 45, 48 and 49 are readable on the elected species. If the Examiner disagrees with the reasons set forth *supra*, then the Examiner can make a finding to the contrary and hold claims 39, 40, 45, 48 and 49 withdrawn from consideration.

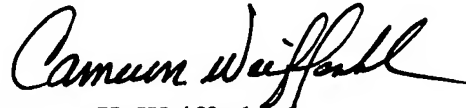
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

Application No.: 10/757,848

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Cameron K. Weiffenbach
Registration No. 44,488

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 CKW:ckw
Facsimile: 202.756.8087
Date: July 16, 2007

**Please recognize our Customer No. 20277
as our correspondence address.**